

# **Exhibit 61 Supplement Scordellis Deposition**

Emily Scordellis

Pages: 16, 46, 52, 53, 54, 56, 60

Dated: May 7, 2021

Dr. Emily Scordellis

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHARLES JOSEPH FREITAG, JR., as: No.: 2:19-cv-05750-JMG  
ADMINISTRATOR of the ESTATE :  
of CHARLES JOSEPH FREITAG, SR., :  
:  
Plaintiff :  
:  
v. :  
:  
Bucks COUNTY; PRIMECARE MEDICAL: CIVIL ACTION - LAW  
INC.; STEPHAN BRAUTIGAM, PMHNP; :  
JESSICA MAHONEY, PSY.D.; AVIA :  
JAMES, LPC; CHRISTINA PENGE, :  
LPC; CORRECTIONAL OFFICER :  
MOODY; CORRECTIONAL OFFICER :  
MURPHY; and CORRECTIONAL : JUDGE JOHN M. GALLAGHER  
OFFICER YOUNG, :  
:  
Defendants :  
:

ZOOM DEPOSITION OF EMILY SCORDELLIS, Psy.D.

DATE AND TIME: Friday, May 7, 2021  
at 10:43 a.m.

KAPLAN LEAMAN & WOLFE  
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1 A. That's correct.

2 Q. Okay. At any point during that time period,  
3 did you determine that any PrimeCare employee acted  
4 contrary to any PrimeCare policy or directive in  
5 their dealings with Mr. Freitag?

6 A. No.

7 Q. During that time period, did you determine  
8 that any PrimeCare policy or practice should be  
9 changed as a result of what you learned about this  
10 case?

11 MR. NINOSKY: Object to the form as to  
12 should, but you can answer the question.

13 MR. FEINBERG: That's a fair objection. Let  
14 me note the -- let me change that question.

15 BY MR. FEINBERG:

16 Q. Did you decide or were you aware of any  
17 decision to change a practice or procedure as a  
18 result of the circumstances leading to Mr. Freitag's  
19 death?

20 A. Yes.

21 Q. Okay. What did you -- what specifically?

22 A. The placement of all state-sentenced inmates  
23 going on Level 2 suicide precautions upon their  
24 return from court.

25 Q. Were there any others besides that?

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1 Q. And Dr. Cassidy, we went through this in her  
2 deposition testimony, she told me that mental health  
3 staff were generally available between 6 or 6:30 a.m.  
4 and 4 p.m. Is that consistent with your  
5 recollection?

6 A. Yes.

7 Q. So who made the decision that mental health  
8 staff would be available in those time frames; and my  
9 follow up to that, to refine the question, is, was  
10 that a decision made on the local level by Bucks  
11 County or by the PrimeCare corporate level?

12 A. If I recall correctly, that was the previous  
13 schedule held by CFG, so we had continued it at that  
14 time.

15 Q. Who made the decision to continue that  
16 schedule?

17 A. When we transitioned the staff, they had  
18 pre-established schedules.

19 Q. So they just stayed with those schedules?

20 A. Correct.

21 Q. You mentioned CFG. I know the company, but  
22 I forget the acronym. Do you know what CFG stands  
23 for?

24 A. Child Family Guidance.

25 Q. And that company provided the mental health

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1           Do you remember learning that the decision  
2    to make staff available later in the day was  
3    connected in any way to a desire to have mental  
4    health staff available when people returned from  
5    court?

6           A. I'm not sure if you're asking if the change  
7    occurred so that people could be there later and when  
8    that happened? Just to make sure, to clarify.

9 BY MR. FEINBERG:

10          Q. Yeah, let's do this. Let me ask a couple  
11       more foundational questions. Okay. Let's do this.  
12       Let's back up even further.

13           Can we agree that before the change was  
14    made, whenever it was made, there typically would not  
15    be mental health staff available in the building when  
16    people came back from court? Do you remember hearing  
17    that?

18           MR. NINOSKY: Object to the form. You can  
19    answer.

20           THE WITNESS: I believe that's correct, yes.

21 BY MR. FEINBERG:

22          Q. Okay. And just, you know, full disclosure,  
23    what I've been told is that most times people came  
24    back from court sometime around 4 or after.

25           Understood?

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1 A. Okay.

2 Q. Do you have any reason to dispute that  
3 characterization?

4 A. No.

5 Q. Okay. And given what we've established,  
6 that mental health staff were not available after  
7 4 p.m., then, by definition, mental health staff were  
8 not there to see people when they came back from  
9 court.

10 Agreed?

11 A. Agreed.

12 Q. Were you -- I don't think we have discussed,  
13 but would you generally agree that any developments  
14 over the course of a person's criminal case could  
15 affect their risk of self-harm?

16 MR. NINOSKY: Object to the form, but you can  
17 answer.

18 THE WITNESS: Potentially.

19 BY MR. FEINBERG:

20 Q. Yeah. People go to court and they have bail  
21 denied. That may increase their risk of suicide;  
22 right?

23 A. Potentially.

24 Q. People go to court, they get convicted of a  
25 crime, that may affect their risk of suicide; is that

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1      correct?

2            A.    Potentially.

3            Q.    People go to court, they get sentenced to a  
4      lengthy period of imprisonment, that may affect their  
5      risk of suicide; is that correct?

6            A.    Potentially.

7            Q.    Okay. So my understanding was that if there  
8      was any decision made upon a return from court about  
9      a need for precautions in that time period, it would  
10     be made by mental health staff. Were you aware of  
11     that practice? Pardon me. Made by non-mental health  
12     staff, that is, correctional staff?

13            MR. NINOSKY: Object to the form, but you can  
14     answer.

15            THE WITNESS: That's my understanding, yeah.

16        BY MR. FEINBERG:

17            Q.    Okay. And just to show you, to give you a  
18      defined example of this, were you aware that Mr.  
19      Freitag was on a Level 1 watch -- pardon me, Level 3  
20      watch when he came back from court on the -- in the  
21      late afternoon of August 24th?

22            A.    Yes, I did know that.

23            Q.    All right. And were you aware that that  
24      Level 1 watch was instituted as a result -- pardon  
25      me. I keep saying Level 1.

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1 throughout your review of the facts in this case; is  
2 that right?

3 A. Correct.

4 Q. Okay. So can we agree, the purpose of me  
5 going through this right now, can we agree that when  
6 Mr. Freitag returned from court, the decision that  
7 was made about watch was made by correctional staff?

8 A. Agreed.

9 Q. And I take it that was standard practice at  
10 that time because there were no mental health staff  
11 in the building; is that correct?

12 MR. NINOSKY: Object to form.

13 THE WITNESS: I can't speak to standard  
14 practice. In this case, it appears to be that way.

15 BY MR. FEINBERG:

16 Q. Okay. And can I assume that PrimeCare  
17 was -- well, strike that.

18 Is it correct to say that PrimeCare was  
19 aware that that's what would happen if there were no  
20 mental health staff available in the building?

21 MR. NINOSKY: Object to the form, but you can  
22 answer if you know.

23 THE WITNESS: Can you rephrase that, please?

24 MR. FEINBERG: Sure.

25

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1 Q. All right. Please read it to yourself and  
2 then let me know when you're finished.

3 A. Okay.

4 Q. All right. Let me focus just on one portion  
5 of Dr. Cassidy's deposition -- of testimony you just  
6 read.

7 My question to her on line 19 of page 93  
8 was, was the motivation in shifting the schedule to  
9 make mental health clinicians available for people  
10 coming back from court; and her answer was, I believe  
11 so.

12 Now, obviously, Dr. Cassidy, from her  
13 testimony, didn't know with certainty. Do you know  
14 with certainty, was the decision to make staff  
15 available later in the day tied in any way to having  
16 clinicians available for after court?

17 MR. NINOSKY: Object to the form, but you can  
18 answer.

19 THE WITNESS: I don't recall with any  
20 certainty that that was why it -- why the change was  
21 made, but I would say it stands to reason.

22 BY MR. FEINBERG:

23 Q. Okay. So it sounds like you might be in the  
24 same boat as Dr. Cassidy in not knowing; is that  
25 correct?